

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Kenneth P. HINCKLEY et al.**

Serial No.: 09/804,383

Filed: March 13, 2001

For: METHOD FOR PROVIDING FEEDBACK  
RESPONSIVE TO SENSING A PHYSICAL  
PRESENCE PROXIMATE TO A CONTROL  
OF AN ELECTRONIC DEVICE

Atty. Docket No.: 003797.00060

Group Art Unit: 2674

Examiner: Dinh, D.

Confirmation No.: 1177

**LETTER**

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Initialed copies of the PTO-1449 Form for the Information Disclosure Statements filed on July 13, 2001, May 24, 2002 and October 4, 2002 have not been returned to the undersigned with any office action to date.

In this regard, Applicants have discovered that the Examiner apparently examining the instant application and related application serial no. 09/804,496 concurrently, as evidenced by the closeness of the mailing dates of the office actions in these applications, inadvertently commingled some PTO-1449 Forms filed in the instant application with the related application. Specifically, the office action mailed December 18, 2002 in related application serial no. 09/804,496 included PTO-1449 Forms identifying the instant application and not related application serial no. 09/804,496. Namely, an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement dated July 13, 2001 in the instant application was returned (essentially citing the same references as identified in the PTO Form 1449s provided in the related application) and an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement on May 24, 2002 in the instant application was returned with the December 18, 2002 office action in the related application serial no. 09/804,496.

To finally resolve the above issues, applicants submit herewith evidence of the filing of the referenced Information Disclosure Statements including stamped post cards. Applicants respectfully request that the Examiner return initialed copies of the PTO-1449 Forms filed with the Information Disclosure Statements.

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated: May 8, 2006

By: /Gary D. Fedorochko/  
Gary D. Fedorochko  
Registration No. 35,509

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☒ PATENT ☐ DESIGN B&W Ref. 03797.00060 Date 10/4/02

☐ HAND CARRY Group/Section Bldg Rm  
Serial/Patent No. 091804383  
Inventor Hynckley et al  
Title Method for providing feedback responsive to sensing a physical presence proximate

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☐ total pp Spec., including: # of Claims  
(# of independent claims: ) ☐ Abstract  
☐ Drawings: ☐ Formal ☐ Informal  
# of distinct sheets: : Figs.  
☐ Declaration/Power of Attorney: ☐ Executed ☐ Unexecuted  
☐ Assignment w/PTO Cover Sheet  
☐ IDS w/PTO 1449 ☐ References ☐ w/Fee  
☐ Preliminary Amendment  
☐ Priority Claim (Foreign or U.S. Provisional B&W # )  
Country Appl. # Date  
☐ w/Foreign Priority Document(s)

- ☐ Application: ☐ CIP ☐ Continuation ☐ Divisional  
Parent Ser. No. B&W #  
☐ U.S. Provisional pp Spec/Claims, Cover Sheet  
☐ Response to Missing Parts/Requirements did  
☐ Response to Notice to File Corrected Appln. Papers did  
☐ Request for Expedited Foreign Filing License  
☐ Request for Corrected: ☐ Filing Receipt  
☐ Response to Restriction/Election Requirement  
☐ Sequence Listing: ☐ Diskette ☐ Paper  
☐ Amendment ☐ Response: OA did  
☐ Petition for Extension of Time until  
☐ CPA ☐ RCE ☐ w/Ext of Time: OA did  
☐ Request for Approval of Drawing Changes  
☐ Notice of Appeal & Fee  
☐ Brief: ☐ Appeal & Fee ☐ Reply  
☐ Request for Oral Hearing  
☐ Issue Fee ☐ Advance Patent Copies (# ordered)  
Notice of Allowance did  
☐ Amendment under 37 CFR 1.312  
☐ Request for Certificate of Correction  
☐ Transmittal ☐ Fee Transmittal w/Auth. to Charge Deposit Acct.  
☐ Certificate of Mailing  
☐ Check # for \$  
☒ Supplemental Information  
☒ Disclosure Statement  
☒ Under 37CFR 1.97(b)  
☒ OFC  
w/Reference



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B&W Form 501

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Kenneth P. HINCKLEY et al.**

Serial No.: 09/804,383

Filed: March 13, 2001

For: METHOD FOR PROVIDING FEEDBACK  
RESPONSIVE TO SENSING A PHYSICAL  
PRESENCE PROXIMATE TO A CONTROL  
OF AN ELECTRONIC DEVICE

Atty. Docket No.: 003797.00060

Group Art Unit: 2674

Examiner: R. Hjerpe

Confirmation No.: 1177

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b) or (c)**Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with Applicants' duty of disclosure, the following information is submitted for consideration by the United States Patent and Trademark Office in connection with the above-captioned application. The information is identified on the attached PTO 1449 form.

Applicants do not waive any right to take appropriate action to establish patentability over the listed documents should they be applied as references against the claims of the present application.

No item of information in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this information disclosure statement.

The reference(s) contained in this information disclosure statement were cited by the Examiner in related application U.S. Serial No. 09/543,723 in an Office Action dated September 4, 2002.

It is respectfully requested that the Examiner fully consider each of the documents, initial the enclosed Form PTO-1449 in the appropriate place to indicate that the document has been considered, and return a copy of the initialed form to the undersigned in accordance with MPEP Section 609.

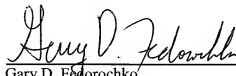
Applicants believe that no fee is necessary pursuant to 37 C.F.R. § 1.97(b) or (c). However, if a fee is due, the Office is authorized to charge Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: October 4, 2002

By:



Gary D. Fodorochko  
Registration No. 35,509

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
(202) 508-9100

GDF:PAB

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

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**Complete if Known**

Application Number	09/804,383
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Filing Date	March 13, 2001
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First Named Inventor	Kenneth P. HINCKLEY et al.
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Group Art Unit	2674
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Examiner Name	R. Hjerpe
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Attorney Docket Number	003797.00060
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## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

☒ PATENT ☐ DESIGN B&W Ref. 003797.00060 Date 5-24-02  
☐ HAND CARRY Group/Section Bldg Rm  
Serial/Patent No. 09/804,383 Atty/Sec GDF/lab  
Inventor HINKLEY et al Client MS  
Title \_\_\_\_\_

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☐ total pp Spec., including : # of Claims ☐ Sequence Listing : ☐ Diskette ☐ Paper  
(# of independent claims : ☐ Abstract ☐ Amendment ☐ Response : OA dtd \_\_\_\_\_  
☐ Drawings : ☐ Formal ☐ Informal ☐ Petition for Extension of Time until \_\_\_\_\_  
# of distinct sheets : Figs. ☐ CPA ☐ RCE ☐ w/Ext of Time : OA dtd \_\_\_\_\_  
☐ Declaration/Power of Attorney : ☐ Executed ☐ Unexecuted ☐ Request for Approval of Drawing Changes  
☐ Assignment w/PTO Cover Sheet ☐ Notice of Appeal & Fee  
☒ IDS w/PTO 1449 ☒ References ☐ w/Fee ☐ Brief : ☐ Appeal & Fee ☐ Reply  
☐ Preliminary Amendment ☐ Request for Oral Hearing  
☐ Priority Claim (Foreign or U.S. Provisional. B&W # \_\_\_\_\_) ☐ Issue Fee ☐ Advance Patent Copies (# ordered \_\_\_\_\_)  
Country \_\_\_\_\_ Appl. # \_\_\_\_\_ Date \_\_\_\_\_ ☐ Notice of Allowance dtd \_\_\_\_\_  
☐ w/Foreign Priority Document(s) ☐ Amendment under 37 CFR 1.312  
☐ Application : ☐ CIP ☐ Continuation ☐ Divisional ☐ Request for Certificate of Correction  
Parent Ser. No. \_\_\_\_\_ B&W# \_\_\_\_\_ ☐ Transmittal ☐ Fee Transmittal w/Auth. to Charge Deposit Acct.  
☐ U.S. Provisional \_\_\_\_\_ pp Spec/Claims; Cover Sheet ☐ Certificate of Mailing  
☐ Response to Missing Parts/Requirements dtd \_\_\_\_\_ ☐ Check # \_\_\_\_\_  
☐ Response to Notice to File Corrected Appln. Papers dtd \_\_\_\_\_  
☐ Request for Expedited Foreign Filing License  
☐ Request for Corrected : ☐ Filing Receipt ☐ Assignment  
☐ Response to Restriction/Election Requirement



B&W Rev. 5/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Kenneth P. HINCKLEY et al.**

Serial No.: 09/804,383

Filed: March 13, 2001

For: METHOD FOR PROVIDING FEEDBACK  
RESPONSIVE TO SENSING A PHYSICAL  
PRESENCE PROXIMATE TO A CONTROL  
OF AN ELECTRONIC DEVICE

Atty. Docket No.: 003797.00060

Group Art Unit: 2674

Examiner: R. Hjerpe

Confirmation No.: 1177

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with Applicants' duty of disclosure, the following information is submitted for consideration by the United States Patent and Trademark Office in connection with the above-captioned application. The information is identified on the attached PTO 1449 form.

Applicants do not waive any right to take appropriate action to establish patentability over the listed documents should they be applied as references against the claims of the present application.

The reference(s) contained in this information disclosure statement were cited by the Examiner in related application U.S. Serial No. 09/543,723 in an Office Action dated May 2, 2002.

It is respectfully requested that the Examiner fully consider each of the documents, initial the enclosed Form PTO-1449 in the appropriate place to indicate that the document has been considered, and return a copy of the initialed form to the undersigned in accordance with MPEP Section 609.



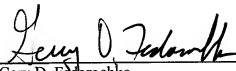
Applicants believe that no fee is necessary pursuant to 37 C.F.R. § 1.97(b). However, if a fee is due, the Office is authorized to charge Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: May 24, 2002

By:

  
\_\_\_\_\_  
Gary D. Fedorochko  
Registration No. 35,509

1001 G Street, N.W.  
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(202) 508-9100

GDF:lab

Application Number	09/804,383
Filing Date	March 13, 2001
First Named Inventor	Kenneth P. HINCKLEY et al.
Group Art Unit	2674
Examiner Name	R. Hjerpe
Attorney Docket Number	003797.00060

[illegible][illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

B&amp;W Box 501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Kenneth P. HINCKLEY et al.**

Serial No.: 09/804,383

Filed: March 13, 2001

For: METHOD FOR PROVIDING FEEDBACK  
RESPONSIVE TO SENSING A PHYSICAL  
PRESENCE PROXIMATE TO A CONTROL  
OF AN ELECTRONIC DEVICE

Atty. Docket No.: 03797.00060

Group Art Unit: 2673

Examiner: Unknown

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with Applicants' duty of disclosure, the following information is submitted for consideration by the United States Patent and Trademark Office in connection with the above-captioned application. The information is identified on the attached PTO 1449 form.

A typographical error in a reference citation in the Information Disclosure Statement and PTO-1449 submitted concurrently with the instant application has been noted. The US reference noted on the PTO-1449 as "5,977,397" should have been cited as "4,977,397." Applicants have cited and are submitting the correct reference herein.

Applicants do not waive any right to take appropriate action to establish patentability over the listed documents should they be applied as references against the claims of the present application.

It is respectfully requested that the Examiner fully consider each of the documents, initial the enclosed Form PTO-1449 in the appropriate place to indicate that the document has been considered, and return a copy of the initialed form to the undersigned in accordance with MPEP Section 609.


Applicants believe that no fee is necessary pursuant to 37 C.F.R. § 1.97(b). However, if a fee is due, the Office is authorized to charge Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: July 13, 2001

By:

  
\_\_\_\_\_  
Gary D. Fedorochko  
Registration No. 35,509

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
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GDF:lab

Please type a plus sign (+) inside this box ☐

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

Application Number	09/804,383
Filing Date	March 13, 2001
First Named Inventor	Kenneth P. HINCKLEY et al.
Group Art Unit	2673
Examiner Name	Unknown
Attorney Docket Number	03797.00060

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,977,397		Kuo et al.	12-11-1990	
		5,208,903		Curry	05-04-1993	
		5,309,172		Fox	05-03-1994	
		5,698,822		Haneda et al.	12-16-1997	
		5,767,457		Gerpheide et al.	06-16-1998	
		5,825,356		Habib et al.	10-20-1998	
		5,847,695		Duncan et al.	12-08-1998	
		5,877,750		Hanson	03-02-1999	
		5,910,798		Kim	06-08-1999	
		5,914,702		Derocher et al.	06-22-1999	
		5,982,302		Ure	11-09-1999	
		6,040,821		Franz et al.	03-21-2000	
		6,046,728		Hume et al.	04-04-2000	
		6,097,371		Siddiqui et al.	08-01-2000	
		6,100,875		Goodman et al.	08-08-2000	
		6,166,723		Schena et al.	12-26-2000	

FOREIGN PATENT DOCUMENTS							
Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Computer Music Journal, Vol. 4, Number 1, Spring 1980	

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.